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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,285	12/22/2005	Johannes Joseph Schleipen	NL030750US1	5725

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BRIARCLIFF MANOR, NY 10510

EXAMINER

YODICHKAS, ANEETA

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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11/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,285	Applicant(s) SCHLEIPEN ET AL.	
	Examiner Aneeta Yodichkas	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Pub. No. 2003/0035451 A1 to *Ishida et al.*

As to **claim 1**, *Ishida* discloses a method of controlling a diode laser device which is operable to receive a control signal and to output an optical signal when the control signal exceeds a threshold value, the method comprising acts of: supplying, to the diode laser device as the control signal and at a predetermined turn-on time, a write bias signal having a value which exceeds the threshold value, wherein the threshold value is a lasing threshold for the diode laser device (Fig. 19 and 20A-H, paragraph 0205, where the drive current G1, or write bias signal, exceeds the threshold value, or threshold current (11)), and supplying to the diode laser device, as the control signal and at a predefined time before the predetermined turn-on time, a pre-bias signal, which has a magnitude that varies, is less than the threshold value and extends for a time period to immediately before the write bias signal (Fig. 19 and 20A-H, paragraph 0209, where the magnitude of INIT-ON or F1 may be set to different magnitudes and is less than the threshold current), wherein the predefined time, magnitude, and time period of the pre-

Art Unit: 2627

bias signal are selected to tune an output power profile of the output optical signal to a desired profile (Fig. 19, 20A-G and 22, paragraph 0209, 0217-0218, where the pre-bias signal (F1) has a predefined time, magnitude and time period to control the power of the laser).

As to **claim 2**, *Ishida* discloses the method, wherein the pre-bias signal comprises a series of pre-bias pulses, having respective predefined times, magnitudes and extents, which are selected to tune the output optical signal to have a desired power profile (Fig. 19, 20A-G and 22, paragraph 0209, 0217-0218, where the pre-bias signal (F1) has a predefined time, magnitude and extents and pulses).

As to **claim 3**, *Ishida* discloses the method, wherein the pre-bias signal is a stepped value (Fig. 20A-H, paragraph 0209, where the pre-bias signal (F1) is a stepped value).

As to **claim 4**, *Ishida* discloses the method, wherein the predetermined turn-on time is defined by occurs simultaneously with a clock signal (Fig. 23, paragraph 0148, where the turn-on time is controlled by timing circuit (51), which is a clock).

As to **claim 5**, *Ishida* discloses the method, wherein comprising an act of modifying the predetermined turn-on time based on a required output power profile of the output optical signal (Fig. 19, 20A-H and 23, paragraph 0209, where the turn-on time is anywhere between 0.5-5 ns).

As to **claim 6**, *Ishida* discloses the method, wherein comprising an act of modifying at least one of the predefined time, magnitude, and time period of the pre-bias signal are selected for tuning a position of the output optical signal to coincide with

Art Unit: 2627

a channel bit clock of an optical recording system (Fig. 19, 20A-H and 23, paragraphs 0148 and 0209, where the timing unit (51) is the clock and differential quantum detector (52) makes sure the optical signal coincides with the clock (51)).

As to **claim 7**, *Ishida* discloses limitations similar to those disclosed in claim 1 above.

As to **claim 8**, *Ishida* discloses limitations similar to those disclosed in claim 2 above.

As to **claim 9**, *Ishida* discloses limitations similar to those disclosed in claim 3 above.

As to **claim 10**, *Ishida* discloses limitations similar to those disclosed in claim 4 above.

As to **claim 11**, *Ishida* discloses limitations similar to those disclosed in claim 5 above.

As to **claim 12**, *Ishida* discloses limitations similar to those disclosed in claim 6 above.

As to **claim 13**, *Ishida* discloses limitations similar to those disclosed in claim 1 above. In addition, *Ishida* discloses a controller operable to output a control signal (Fig. 19, 20A-H and 23, paragraphs 0148 and 0209, where F1 is the control signal and is controlled by clock (51) and differential quantum efficient detector (52)).

As to **claim 14**, *Ishida* discloses limitations similar to those disclosed in claim 2 above.

As to **claim 15**, *Ishida* discloses the optical system, wherein the controller is operable to supply a multi-valued pre-bias signal to the laser diode device comprising a combination of pre-pulses having temporally varying magnitudes (Fig. 19 and 20A-H, paragraph 0209, where the pre-bias signal (F1) may be set to various magnitudes).

As to **claim 16**, *Ishida* discloses the optical system, wherein the controller is operable to output to the laser diode device as the control signal and before the predetermined turn-on time, a pre-bias signal, which has a value less than the threshold value, and precedes a clock signal of the system (Fig. 19, 20A-H and 23, paragraphs 0148 and 0209, where F1 is the control signal sent before turn-on time and is the pre-bias signal with a value less than the threshold current and is controlled by clock (51)).

As to **claim 17**, *Ishida* discloses the optical system wherein the controller is operable to output to the laser diode device as the control signal and before the predetermined turn-on time, a pre-bias signal which has a value less than the threshold value, wherein the controller is operable to determine the predetermined turn-on time by a required output power profile of the output optical signal (Fig. 19, 20A-H and 23, paragraphs 0148 and 0209, where F1 is the control signal sent before turn-on time and is the pre-bias signal with a value less than the threshold current and is controlled by clock (51) and differential quantum efficient detector (52)).

As to **claim 18**, *Ishida* discloses the optical system, wherein the controller is operable to output to the laser diode device as the control signal and before the predetermined turn-on time, a pre-bias signal which has a value less than the threshold value, wherein the controller is operable to determine the value of the pre-bias signal by

Art Unit: 2627

a required output power profile of the output optical signal (Fig. 19, 20A-H and 23, paragraphs 0148 and 0209, where F1 is the control signal sent before turn-on time and is the pre-bias signal with a value less than the threshold current and is controlled by clock (51) and differential quantum efficient detector (52)).

As to **claim 19**, *Ishida* discloses the method, comprising an act of modifying values of the predefined time, magnitude, and time period of the pre-bias signal for tuning the output power profile of the output optical signal (Fig. 19, 20A-G and 22, paragraph 0209, 0217-0218, where the pre-bias signal (F1) has a predefined time, magnitude and time period to control the power of the laser and may be modified)

As to **claim 20**, *Ishida* discloses limitations similar to those disclosed in claim 19 above.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2627

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aneeta Yodichkas whose telephone number is (571) 272-9773. The examiner can normally be reached on Monday-Thursday 8-5, alternating Fridays, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter Vincent Agustin/
Primary Examiner, Art Unit 2627

/A.Y./
11/14/09